

Application No. 09/602,345
Amendment dated October 24, 2003
Response to Office Action of July 31, 2003

REMARKS

This amendment is responsive to the Office Action dated July 31, 2003. Applicant has amended claims 1-3, 11, and 22-24 and cancelled claim 18. Claim 17 was previously canceled. Claim 22 is allowed. Claims 1-16 and 19-24 are now pending.

Claim Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 11-16 and 18-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that claims 11 and 18 are indefinite because claim 11 recites a first VCSEL array located on a first substrate and a second VCSEL array located on a second substrate, whereas claim 18 is dependent on claim 11 and recites that the first and second substrates are integrated into a common substrate.

In order to clarify the invention, Applicant has canceled claim 18 and amended claim 11 to recite that the second substrate is separate from the first substrate. Accordingly, claims 11-16 and 18-21 now clearly comply with 35 U.S.C. § 112, second paragraph.

In making the rejections under 35 U.S.C. § 112, second paragraph, the Examiner further noted that first and second VCSEL arrays are disclosed and displayed in Applicant's specification as being located on a single substrate. The Examiner stated that for purposes of examination, the claims were being interpreted as claiming the first and second VCSEL arrays on a single substrate.

In making these statements, the Examiner seemed to be implying that Applicant is not entitled to claim first and second VCSEL arrays located on separate substrates for lack of enablement or written description. For this reason, Applicant points out that the current amendments are clearly supported in Applicant's specification at page 7, lines 3-10. Moreover, FIG. 3B illustrates one exemplary embodiment in which two VCSEL arrays 352 and 358 are clearly located on separate substrates, as claimed.

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Claim Rejection Under 35 U.S.C. § 102 and 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-6, 8, 11-13, 15, and 18-19 under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,619,488 to Ota et al. (hereafter Ota); and rejected claims 7, 9-10, 16, and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over Ota in view of US Patent 5,526,182 to Jewell et al. (hereafter Jewell).

Applicant respectfully traverses these rejections to the extent such rejections may be considered applicable to the amended claims. Neither Ota nor Jewell discloses or suggests the features of Applicant's claims. In particular, neither Ota nor Jewell discloses or suggests a writing array of modulatable light sources formed on a substrate and a reading array of modulatable light sources *formed on a separate substrate*. For this reason, all pending rejections should be withdrawn and the claims allowed.

As pointed out by the Examiner, the teaching of Ota only discloses the use of a single substrate. Accordingly, Ota does not disclose the features required by Applicant's pending claims. For this reason, the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 should be withdrawn.

Jewell provides no teaching that would remedy the deficiencies of Ota, with respect to Applicant's claims. In particular, like Ota, Jewell does not disclose or suggest an optical recording system comprising a writing array of modulatable light sources *formed on a substrate*; a reading array of modulatable light sources *formed on a separate substrate*; and an objective lens positioned relative to said writing array and said reading array of modulatable light sources such that said objective lens is capable of focusing at least one light beam from each of said writing array and said reading array of modulatable light sources on a target medium.

As a courtesy to the Examiner, Applicant again points out that the current amendments find support in Applicant's specification at page 7, lines 3-10, and FIG. 3B which illustrates two VCSEL arrays located on separate substrates.

CONCLUSION

For at least the reasons set forth above, rejected independent claims 1, 11, 23 and 24 and the corresponding dependent claims are now in condition for allowance. Applicant in no way acquiesces to any of the Examiner's characterizations of the applied references with respect to the